

EXHIBIT 9
(Public)
(Previously File Under Seal as Dkt. 334)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

CASE NUMBER: 16-cv-1054 (WMW/DTS)

Fair Isaac Corporation, a Delaware corporation,
Plaintiff,
versus
Federal Insurance Company, and Indiana
corporation, and ACE American Insurance Company, a
Pennsylvania corporation,
Defendants.

VIDEOTAPED DEPOSITION OF EXPERT WITNESS

BILLY McCARTER



TAKEN: 5 June 2019

BY: Jackie McKone

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1 A. He did -- as I recall, he didn't have specific
2 knowledge about the technologies that are in the
3 application. It was more around the business use
4 of the applications that he was -- was talking to
5 him. So -- he was speaking to.
6 Q. And for the business, you said the applications.
7 What do you mean by that?
8 A. How they use CSI Express, DecisionPoint, et
9 cetera. Automated renewal.
10 Q. And what did he tell you?
11 A. Not much more than what was in the case documents
12 to be honest. These were folks that -- that
13 weren't -- weren't mostly aware Blaze was even
14 involved in their applications and how they were
15 being used. It was more about the business
16 functionality that those systems provided.
17 Q. And then Alissa Theberge?
18 A. Let's see who Alissa was, see what her role was.
19 Most of these happened on -- on scheduled calls
20 with the same people.
21 Q. How many times --
22 A. She was an -- she was an underwriter, and talked
23 about the -- as I recall, we -- we talked about
24 the use of CSI Express, and under -- for
25 underwriting.

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1 Q. And what did she tell you?
2 A. Basically about how they use it, and again, most
3 of the -- I don't recall her -- she specifically
4 said it, but they weren't even aware of Blaze
5 Advisor other than this case where they were
6 instructed this is why they are meeting with an
7 expert to discuss it.
8 Q. Did you talk with Miss Theberge about the features
9 within CSI Express enabled by Blaze Advisor?
10 A. They didn't know anything about Blaze, Blaze
11 Advisor. So no. I did not.
12 I asked them about the functionality of the
13 application and what it was used for, and from
14 that is where they -- one of them said, "We didn't
15 even know Blaze was involved until we got called
16 to this meeting."
17 Q. So within CSI Express, Blaze Advisor provides
18 functionality relating to underwriting decision;
19 is that right?
20 A. It provides a rules service related to
21 underwriting decisions.
22 Q. And did you ask Ms. Theberge about that specific
23 functionality within CSI Express?
24 A. I asked all of these folks if they were aware of
25 Blaze and what it provided, and the answer was no.

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1 Q. Okay, but you knew what Blaze provided within that
2 application?
3 A. Correct.
4 Q. And the function that it provided?
5 A. Yes.
6 Q. And did you ask her about that function and what
7 her opinion was of that function?
8 A. She said that that's all handled by the IT group
9 on the rules. If they need a change to the
10 business rules that need to be made, they submit a
11 request to IT.
12 Very similar to if it was embedded into an
13 application, which somewhat negates the benefit of
14 the externalization of the rules. They didn't put
15 it in the hands of the business users. It was
16 still the IT folks that maintain the business
17 rules.
18 Q. Got it, but you didn't ask her about any of the
19 specific functions that Blaze Advisor provides
20 within CSI Express?
21 A. She wasn't aware of Blaze so she couldn't answer
22 that question. I -- I didn't -- I asked her about
23 underwriting. I didn't ask her about Blaze, or
24 whatever the business processes were.
25 Q. Understood. My question is a little bit

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1 different. It's about the functionality within
2 CSI Express --
3 A. Um-hm.
4 Q. -- that Blaze provides.
5 A. Um-hm.
6 Q. And Ms. Theberge is an underwriter; correct?
7 A. Um-hm.
8 Q. So she would be a person that was interacting with
9 CSI Express?
10 A. She's using the functionality that is -- the user
11 interface gives her, and it doesn't say this is
12 Blaze or a rule issue. It's all handled behind
13 the scenes.
14 Q. Right, but you would agree that Blaze is enabling
15 certain functionality within CSI Express?
16 A. It's -- it's supporting the underlying process.
17 Yes.
18 Q. And you did not ask her any questions about the
19 benefits of that functionality; right?
20 A. The benefits of an underwriting application versus
21 the benefits of Blaze is two different things.
22 Q. Understood. Did you ask her --
23 A. I asked her about the application, you know, of
24 the CSI Express application functionality, and
25 it's -- it's basically a -- a policy

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1 administration system with all the functionality
 2 to underwrite a insurance policy. I mean -- and
 3 there's functionality that sits behind the scenes,
 4 not just Blaze, many other components that sit
 5 behind the scenes that are utilized that are not
 6 even visible to most of these people.
 7 Q. So you asked her what it does?
 8 A. It's an underwriting application. Yeah.
 9 Q. Not --
 10 A. Or policy avenue.
 11 Q. Not what she perceived to be the benefits?
 12 A. Yeah. She -- no. I did not ask her about the
 13 benefits to her. What we talked about the
 14 benefits was really Ellen and Helen who basically
 15 said they could do some of this work -- once they
 16 found out Blaze was there, they said it's really a
 17 check the box application, and we don't -- we
 18 could have done this in Excel.
 19 Q. That's for the TAPS application?
 20 A. TAPS. I think TAPS was the one. Yeah. I'd have
 21 to go back and look.
 22 Q. TAPS was the one. Okay, but aside from Ms. Garnes
 23 and Ms. Mencke, you did not ask any of the other
 24 individuals on this list about the benefits of the
 25 functionality of any of the applications that are

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1 at issue in this case?
 2 A. It's not the applications that are -- it's Blaze
 3 that I was interested in researching, not the
 4 functionality that's provided by Federal's own
 5 applications. I mean ...
 6 Q. Right. I was starting broad and then going to go
 7 a little bit deeper. So your answer to that
 8 questions on the applications is no?
 9 A. No.
 10 Q. And then moving down to the features, within those
 11 applications that are enabled by Blaze, you did
 12 not ask any of these individuals in Paragraph 16
 13 what the benefits were from those features
 14 separate from the functionality?
 15 A. I -- I did not ask them the benefits of those
 16 features from a Blaze perspective because they
 17 told me up front they didn't even know what Blaze
 18 was.
 19 Q. So Miss Santucci. How many times did you speak
 20 with Ms. Santucci?
 21 A. I think that she was on one phone calls, and these
 22 were always group calls with multiple people.
 23 Q. And -- and what did you ask Ms. Santucci?
 24 A. I just -- the same discussion around CSI Express,
 25 CUW to just clarify what I was reading within

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1 various case documents, depositions, et al., and
 2 it was clarification basically.
 3 Q. Did she -- did she chime in and provide you with
 4 any -- any information in those group calls?
 5 A. She clarified, for example, in CUW, the inventory
 6 management, the role of that functionality within
 7 inventory management, but I don't know if it was
 8 Jennifer or one of the others that said it. I
 9 don't have my notes, but basically they clarified
 10 the functionality of certain activities that used
 11 Blaze, but they didn't know it used Blaze at the
 12 end of the discussion.
 13 Q. So Miss Santucci clarified the functionality of
 14 certain activities within the inventory management
 15 part of CUW that used Blaze?
 16 A. Yeah. I think that was correct, and I think it
 17 was her. I'd -- I'd have to go check my notes,
 18 but all these folks were on the same calls
 19 together, not all of them at the same time
 20 obviously, but -- but the operations folks, the
 21 underwriting folks that are on this list all were
 22 on the same calls together. So just had to
 23 clarify who -- who gave me the response.
 24 Q. So Ms. Santucci knew of functions of certain
 25 activities that use Blaze even though she didn't

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1 know it was Blaze Advisor behind the scenes?
 2 A. Yes. Yeah.
 3 Q. Anything else that you discussed with Ms.
 4 Santucci?
 5 A. Not that I recall.
 6 Q. Moving on to Mr. Pandey, what did you speak with
 7 him about?
 8 A. The overall information technology architecture, a
 9 number of systems, number of applications where
 10 Blaze was used.
 11 He was the IT side, and I -- I had more --
 12 he was aware of Blaze, and where it was being
 13 used, and how it was being used within a number of
 14 different applications. So he helped clarify what
 15 I was reading in a lot of documents that were
 16 produced by Mirolyuz and others.
 17 Q. And what about Mr. Folz; what did you speak with
 18 him about?
 19 A. About the original justification for acquiring
 20 Blaze. He was the controller back at the time.
 21 He's no longer with the company.
 22 Q. And what role did Mr. Folz have in that -- back in
 23 2006; right?
 24 A. Um-hm.
 25 Q. What role did he have in that process to acquire a

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1 Q. You're specifically referring to TAPS; correct?
 2 A. I am. I am.
 3 Q. Do you know how many -- and TAPS stands for what
 4 again?
 5 A. Texas Accident Prevention. It's a workers' comp
 6 compliance requirement for the state of Texas.
 7 Q. And so some insurance applications need to comply
 8 with TAPS in Texas; correct?
 9 A. Correct.
 10 Q. Do you know how many insurance policies that
 11 affects every year?
 12 A. No I do not.
 13 Q. Did you ask anybody?
 14 A. It doesn't matter whether it's one or many, but
 15 no, I did not.
 16 Q. So why do you say that the -- is it your opinion
 17 that the features, functionality provided by Blaze
 18 within the TAPS application could be done with an
 19 Excel spreadsheet; correct?
 20 A. That's what I was told. Yes.
 21 Q. That's what you were told by whom?
 22 A. Helen and Ellen.
 23 Q. And did you do anything to independently verify
 24 that that statement was true?
 25 A. I looked at the descriptions of all the use of

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1 TAPS within the depositions and documents that I
 2 had, and it would confirm that it's a disclosure
 3 type of check the box function that we disclose
 4 properly as part of the process. So that's my
 5 only verification.
 6 Q. And how would you use an Excel spreadsheet instead
 7 of Blaze to accomplish the same functionality?
 8 A. I have an individual pull up the spreadsheet, go
 9 through the list of applications, and see if it
 10 complied.
 11 Q. But you don't know how many applications that
 12 individual would have to look through?
 13 A. And according to Ellen, it's a low volume
 14 business. So I didn't ask how many policies. Low
 15 volume usually means low, not many, and they said
 16 that Blaze was used because it was there. It --
 17 you know, it wasn't -- not Helen and Ellen didn't
 18 say that because they didn't know Blaze existed.
 19 Ramesh Pandey basically said they could have
 20 easily used Excel as well.
 21 Q. Do you know how many people would need to be
 22 employed to undertake the same tasks as Blaze
 23 Advisor with respect to the TAPS application to
 24 perform the same functions using Excel
 25 spreadsheet?

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1 A. I don't recall the exact number, but they said a
 2 small number of people could have done this.
 3 Q. How many is a small number of people?
 4 A. I don't know. I didn't ask.
 5 Q. Over how many years? Do you know?
 6 A. No.
 7 Q. You don't know how many policies it involved;
 8 correct?
 9 A. Other than it was a low volume business. Workers'
 10 comp in Texas is poor -- is probably a very low
 11 volume business.
 12 Q. Chubb is one of the largest insurance companies in
 13 the world; correct?
 14 A. Um-hm.
 15 Q. They are one of the largest suppliers of business
 16 insurance in the United States; correct?
 17 A. Right.
 18 Q. So a low volume of business to Chubb could be --
 19 strike that. So you don't have an opinion one way
 20 or the other as to the cost or expense Chubb would
 21 have incurred to use an Excel spreadsheet instead
 22 of Blaze Advisor in the TAPS application --
 23 A. I do not.
 24 Q. And you don't -- you have not undertaken an
 25 analysis to determine whether the use of a

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1 spreadsheet in the TAPS application instead of
 2 Blaze Advisor would yield the same results;
 3 correct?
 4 A. I -- I'm going by the word, the folks I spoke
 5 with, that they could use it that way.
 6 Q. Do you know what percent of Federal's business
 7 rules were ever implemented into Blaze Advisor?
 8 A. I couldn't get a count. So no I do not.
 9 Q. What was your methodology then to determine in
 10 Paragraph 69 to make the statement, "Only a
 11 fraction of Federal's business rules and decisions
 12 were ever loaded into Blaze Advisor," -- "Blaze to
 13 assist Federal."?
 14 A. There's hundreds of thousands of rules that are
 15 executed on a daily basis as part of this business
 16 activity model, and if you look at the numbers of
 17 rules that are loaded -- that are on that Fed
 18 17914, it's a small amount compared to the total
 19 rules that are being made on a daily basis.
 20 Q. Do you know how many -- how many rules decisions
 21 are being made at Federal on a daily basis?
 22 A. I do not.
 23 Q. Did you ask anyone?
 24 A. I asked for total rules relative to plays, but I
 25 didn't ask them for the total rules across all of

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